



राजपत्र, हिमाचल प्रदेश

(असाधारण)

हिमाचल प्रदेश राज्यशासन द्वारा प्रकाशित

शिमला, बुधवार, 12 अप्रैल, 1978/22 चैत्र, 1900

हिमाचल प्रदेश सरकार

LOCAL SELF GOVERNMENT DEPARTMENT

NOTIFICATION

Simla-2, the 7th April, 1978

No. 7-4/71-LSC.—In exercise of the powers conferred upon him by clause (f) of sub-section (1) of section 257 of the Himachal Pradesh Municipal Act, 1968 (Act No. 19 of 1968), the Governor of Himachal Pradesh is pleased to extend the provisions of sections 83 and 85 of the said Act to the Notified Area Committee Bhunter, District Kulu, Himachal Pradesh, with immediate effect.

By order,
S. K. CHAUHAN,
Secretary.

हिमाचल प्रदेश विधान सभा सचिवालय

अधिसूचना

शिमला-171004, 10 अप्रैल, 1978

संख्या 1-22/78-वि० स०.—हिमाचल प्रदेश विधान सभा प्रक्रिया एवं कार्य-संचालन नियमावली के नियम 135 के अन्तर्गत, हिमाचल प्रदेश को-ऑपरेटिव सोसाईटीज (अमेन्डमेन्ट) बिल, 1978 (बिल नम्बर 12 आफ 1978) जो हिमाचल प्रदेश विधान सभा में 10 अप्रैल, 1978 को पुरः स्थापित किया गया सर्व साधारण की सूचनार्थ राजपत्र में मुद्रित करने हेतु प्रेषित किया जाता है।

वेद प्रकाश,
सचिव।

Bill No. 12 of 1978.

THE HIMACHAL PRADESH CO-OPERATIVE SOCIETIES (AMENDMENT) BILL, 1978

(AS INTRODUCED IN THE LEGISLATIVE ASSEMBLY)

A

BILL

further to amend the Himachal Pradesh Co-operative Societies Act, 1968 (3 of 1969).

BE it enacted by the Legislative Assembly of Himachal Pradesh in Twenty-ninth Year of the Republic of India as follows:—

1. (1) This Act may be called the Himachal Pradesh Co-operative Societies (Amendment) Act, 1978.

Short title
and
commence-
ment.

(2) It shall come into force at once.

2. After section 86 of the Himachal Pradesh Co-operative Societies Act, 1968, the following new sections 86-A and 86-B, along with their headings, shall be inserted, namely:—

Insertion
of new
Sections
86-A and
86-B.

“86-A. *Powers of a financing bank to proceed against defaulting members of a co-operative society.*—(1) If a co-operative society is unable to pay its debts to a financing bank according to the terms of agreement to this effect by reason of its members committing default in the payment of moneys due by them, the financing bank may direct the committee of such society to proceed against such members by taking action under sections 72, 73, 74, 75, 76, 86, 87, 89, 90 and 90-A of the Act.

(2) If the committee of the co-operative society fails to proceed against its defaulting members within a period of ninety days from the date of receipt of such direction from the financing bank, the financing bank itself may proceed against such defaulting members in which event, the provisions of sections 72, 73, 74, 75, 76, 86, 87, 89, 90 and 90-A of the Act, the rules and bye-laws made thereunder, shall apply as if all references to the society or its committee in the said provisions of this Act, rules and the bye-laws were references to the financing bank.

(3) After recovery of dues from the defaulter members of such society, the respective loan accounts of such members in the society and those of the society in the bank shall be credited proportionately by the society and the financing bank respectively.

86-B. *Powers of financing bank to proceed against the members of a co-operative society.*—Where a financing bank has obtained a decree or award against a co-operative society in respect of money due to it from the society, the financing bank may proceed to recover such money, firstly from the available assets of the society and thereafter from the members of the society to the extent of their debts due to the society:

Provided that the financing bank while proceeding against the indebted members of such society under this section shall first proceed against the defaulter members of the society and their sureties to recover such amount as may remain unsatisfied from the available assets of the society.”

STATEMENT OF OBJECTS AND REASONS

The recovery position of the Himachal Pradesh State Co-operative Banks and other financing institutions in the State is not satisfactory. Recoveries from Co-operative Societies and the individual loanees has, therefore, been very poor. It has been noticed that the managing committees have not been taking adequate steps in the matter of recovery against defaulting members. It has, therefore, been decided to arm the banks with adequate powers so as to make effective recovery from the defaulter concerns. Accordingly it has been decided to incorporate new sections 86-A and 86-B in the Himachal Pradesh Co-operative Societies Act, 1968 (Act No. 3 of 1969). These provisions are expected to go a long way to liquidate the overdues of banks and other financing institutions.

This Bill seeks to achieve the aforesaid objects.

DEVI SINGH,
Minister-in-Charge.

The SIMLA:
, 1978.

FINANCIAL MEMORANDUM

NIL

MEMORANDUM REGARDING DELEGATED LEGISLATION

NIL